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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/078,668  | 02/21/2002  | Toru Arai            | 219933US0CIP        | 5868             |
| 22850   | 7590        | 08/26/2004           | EXAMINER            |                  |
| OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.<br>1940 DUKE STREET<br>ALEXANDRIA, VA 22314 |             |                      | ASINOVSKY, OLGA     |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 1711                |                  |

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|   |                        |                     |  |
|---|------------------------|---------------------|--|
| <b>Response to Rule 312 Communication</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|   | 10/078,668             | ARAI ET AL.         |  |
|   | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|   | Olga Asinovsky         | 1711                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1.  The amendment filed on 22 January 2004 under 37 CFR 1.312 has been considered, and has been:

- a)  entered.
- b)  entered as directed to matters of form not affecting the scope of the invention.
- c)  disapproved because the amendment was filed after the payment of the issue fee.  
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.
- d)  disapproved. See explanation below.
- e)  entered in part. See explanation below.

*Attachments:*

*Copy of the original Notice of Allowability with marking Box 6 on said Notice of Allowability. Because there is no box 6 on the new form PTOL-37.*

*Copy of Form PTO 1449 filed on Sep.22, 2003 with a verified date on October 29, 2003.*



James J. Seidleck  
Supervisory Patent Examiner  
Technology Center 1700

# Supplemental

| Notice of Allowability | Application No. | Applicant(s) |
|------------------------|-----------------|--------------|
|                        | 10/078,668      | ARAI ET AL.  |
|                        | Examiner        | Art Unit     |
|                        | Olga Asinovsky  | 1711         |

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address.—  
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 09/28/03.
2.  The allowed claim(s) is/are 2-20, 22 and 24-28.
3.  The drawings filed on 21 February 2002 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

5.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a)  The translation of the foreign language provisional application has been received.
6.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

7.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

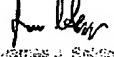
8.  CORRECTED DRAWINGS must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1)  hereto or 2)  to Paper No. \_\_\_\_\_.
  - (b)  including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

|   |  |
|---|--|
| <input type="checkbox"/> Notice of References Cited (PTO-892)   | <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                               | <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____.   |
| <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>9/22</u> .       | <input type="checkbox"/> Examiner's Amendment/Comment                    |
| <input checked="" type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <input type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | <input type="checkbox"/> Other   |

  
James J. Selsky  
Supervisory Patent Examiner  
Technology Center 1700

O.A. Aug. 24, 2004.